United States Department of the Interior

BUREAU OF LAND MANAGEMENT
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Statewide Wildland Urban Interface Fuels Treatments
Determination of NEPA Adequacy (DNA)

Office: Mother Lode Field Office, LLCAC08000

NEPA Number: DOI-BLM-CA-C080-2024-0004-DNA

Proposed Action Title/Type: Fricot City Road Fuel Reduction Project

Location/Legal Description: Township 4N; Range 13E; Sections 13, 23, 24, 26, 27, and 28; Calaveras County

Applicant: Calaveras County Resource Conservation District

A. Description of the Proposed Action

The Fricot City Road Fuel Break would consist of a 300-foot-wide fuel break that generally follows Fricot City Road in Calaveras County. The project would encompass approximately 688 acres of both private and Federal land; with a total of 169 acres on BLM land.

The proposed fuel reduction project will modify fuel conditions to reduce fuel loads with practices such as mechanical mastication and hand treatment of fuels. Fuel treatments will include mechanical mastication of ground fuels, as well as the mastication of brush and small diameter trees. Fuels modification may include clearance along roads within the project area.

Fuel reduction work will consist of removal of surface fuels, brush, and trees less than 11-inches diameter at breast height (DBH).

Project activities would include the following:

- Removal of brush and small diameter trees, less than 11 inches diameter-at-breast height (DBH), by hand cutting and/or mechanical mulching mastication. Hand cut material would be disposed of through the use of a tracked chipper, tow-behind chipper, and/or other small pieces of equipment, or by hand piling for future burning

by BLM. Chipped material would either be spread on-site or hauled off-site for disposal.

- Activity generated materials and excess fuel shall be at least 10 feet from bole of retained conifer and oak.

- Chip depth shall be evenly distributed on average 2 inches and no more than 4 inches in depth at any given point outside of the conifer and oak zone in the above bullet point.

- Felling of hazard trees (dead, diseased, or dying) that may impact buildings, roadways, or recreation trails. Felled trees would be left in place, with trunks cut into 8- to 10-foot pieces. Tops and limbs would be cut off the trunks and chipped or masticated. A dying tree is defined as a standing tree that has been severely damaged by forces such as fire, wind, ice, insects, disease, or drought and that in the judgment of an experienced forester is likely to die within one to three years.

- The construction of fire control lines may be needed in either pile or broadcast burning. Fire control lines would be constructed by hand crews or with equipment, when appropriate. Control lines would be created by cutting vegetation and scraping the control line down to mineral soil. Control lines would be constructed to the minimum size and standard necessary to contain the prescribed fire and meet overall project objectives.

Project activities will consider the following attributes:

- Regenerated small diameter hardwoods sprouts and conifers would be thinned to a spacing of 25 feet or greater. Hardwood sprouts retained would consist of the 1-2 largest stems. Larger healthy conifers may be thinned generally from below and for tree health. Disease would be taken into consideration when local regenerating trees may be infected by western gall rust and dwarf mistletoe.

- Avoid cutting madrone where operationally feasible.

- Healthy large disease-free oaks and conifers shall not be cut and shall be protected from operational damage to prevent insect and disease related infections and mortality.

- Sugar pines should be evaluated for blister rust infection and removed if they may be a future hazard after mortality. Live sugar pines that are outside of a hazard target zone shall be left for future snag creation regardless of blister rust infection.

- Remove approximately 95 percent of understory vegetation throughout the project area. All vegetation within 50 feet of canopy dripline of oaks and conifers greater than 10 inches DBH shall be removed.

- All retained trees would be pruned to the extent possible while retaining at least 2/3 of the live crown to reduce continuity between the surface fuels and the aerial fuels.

B. Project Design Features

Project Design Features relevant to the Proposed Project are from Appendix B of the Programmatic Environmental Assessment (pEA): *Statewide Wildland Urban Interface Fuels Treatments* (SWFT) DOI-BLM-CA-9000-2022-0001-EA.

Each fuels reduction project proposed under the SWFT pEA will receive independent Section 106 review and consultation and will have a standalone decision in accordance with the Protocol. These reviews would involve, as appropriate, Class III surveys, resource evaluations, tribal consultations, and other steps under the Protocol, as well as the application of PDFs in Appendix B to avoid or minimize effects to historic properties.

Cadastral – Boundary Markers

The BLM surveys/boundary evidence in the project area is comprised of original GLO (General Land Office) surveys and mineral surveys from the late 1800s and early 1900s. The public/private boundaries have not had an official dependent resurvey since that time, and the BLM GIS layer could vary drastically from the locations of the actual boundary on the ground. Further research of local surveys in the area would need to be completed to locate and described the current conditions of the monumentation more accurately. The BLM lands within the project area contain approximately 20 controlling monuments which help determine federal land interests. Prior to project implementation, a surveyor will be required to retrace/mark/flag any areas to prevent destruction of federal/local monumentation during project implementation.

General

G-5. Any sensitive resources that require protection (including, but not limited to biological, cultural, riparian) and/or subject to further investigation by a resource specialist will be clearly identified by flagging or other means of identification.

G-7. Dead and dying trees1 that pose a hazard2 or safety concern will be directionally felled away from sensitive resources when possible. Sensitive resources may include:

- Significant cultural resources and paleontological resources
- Known raptor nesting trees (while in use)
- Nesting birds protected by Migratory Bird Treaty Act (MBTA).
- Existing telephone, transmission lines, fences, ditches, roads, trails, and other infrastructure
- High risk, difficult to manage weed infestations.

G-10. All project personnel will wash tools, vehicles, and equipment as necessary to prevent the spread of (1) noxious weeds, (2) invasive species, and (3) plant diseases.

Mechanized Equipment – Soils

ME-16. Restrict ground-based equipment to slopes less than 35%.

Masticated brush and other vegetative material would be generally dispersed throughout the project area. This layer of mulch will help prevent surface erosion and should not exceed an average depth of 2".

Mechanized Equipment – Cultural Resources (ME)

ME-24. Generally, ground disturbance resulting in soil movement or compaction caused by tree removal and other mechanical vegetation treatments (i.e., use of equipment, masticators, chippers, etc.) will not be allowed to occur on National Register of Historic Places **(**NRHP)-listed or eligible (or treated as eligible) cultural resources, except with explicit instruction from the Field Office (FO) Archaeologist, who may choose at his/her discretion to prohibit machinery within the boundaries of a cultural resource, require a monitor, and/or require rubber tracking on vehicles within the boundaries of a cultural resource.

ME-25. With explicit instruction for the FO Archeologist, mechanical equipment may cross archaeological resources at previously disturbed locations following flagging of the resource prior to project implementation (i.e., transmission line corridors and established right of ways, etc.)

Fuels and Prescribed Fire – General

FIRE-1. Provide an approved prescribed fire plan prior to ignition of all prescribed burn units in compliance with the current Interagency Prescribed Fire Planning and Implementation Procedures Guided (PMS 484).

FIRE-7. Sufficiently block fire control lines to preclude unauthorized use.

FIRE-8. Stabilize fire control lines using waterbarring and debris placement to minimize soil erosion and runoff. Waterbar fire-lines based on gradient and soil/rock erosion class according to guidelines in the Table on Waterbar Spacing and Erosion Class above.

Fuels and Prescribed Fire – Cultural Resources (FIRE)

FIRE-28. Areas where pile burning is proposed will require BLM Class III inventory coverage prior to project implementation; and pile locations will be designated and marked by an archaeologist to avoid sensitive cultural resources following Inventory efforts.

FIRE-29. For understory or broadcast prescribed burning, BLM Class III inventory will be required for all areas that have been identified by the FO Archaeologist.

FIRE-30. NRHP-listed or -eligible (or treated as eligible) cultural resources within the area of potential effect (APE) will be protected by a project design feature recommended by the FO Archaeologist, taking into consideration the cultural resource type, environmental setting, anticipated burn conditions, and other factors. Project design features may include, but are not

limited, removal from the APE, fuel breaks and no treatment buffers around the resource, wrapping, foaming, wetting, black line, fire line (machine or hand dug), and raking.

FIRE-31. All potentially ground-disturbing activities related to the prescribed burn (fire-control lines, staging areas, and helispots) as well as all road improvement and decommissioning will be included in the APE and will require BLM Class III inventory prior to project implementation.

Wildlife

CRLF-5. During the wet season (after the first frontal rain of greater than 0.25 inch after October 15th to April 15th), no cutting or equipment use will occur within 300 feet of any water body that has the potential to be occupied by California red-legged frogs.

CRLF-6. During the dry season (April 15 until the first rain greater than 0.25 inch after October 15), no project activities will occur within the following distances of any water body (seeps, springs, wet meadows) potentially inhabited:

- 75 feet for the Sierra Nevada foothill populations

BIRD-1. All mature shrubs and other potential nest sites (e.g., snags) will be inspected for active bird nests immediately prior to treatment during the breeding season (February 1 through September 15) if project activities are to occur during the breeding season.

BIRD-2. All active nests will be retained with a minimum 150 foot no activities buffer, unless otherwise specified in wildlife species specific pdfs.

BIRD-3. At no time should project activities result in the death of a migratory bird, the abandonment of a nest site, or the death of offspring.

Cultural Resources (CR)

CR-1. Compliance with Section 106 of the NHPA, including under the BLM California's Statewide Protocol Agreement (Protocol), must be completed for all projects proposed under the Programmatic Environmental Assessment (EA).

CR-2. Project design features will be developed to avoid or minimize adverse effects to cultural resources listed on or eligible (or treated as eligible) for the National Register of Historic Places including districts, sites, objects, structures, and buildings, as well as cultural resources that are of traditional and cultural significance to Native American Indian Tribes (i.e., traditional cultural places).

CR-6. All areas subject to proposed ground-disturbing activities (i.e., mechanical tree removal and vegetation treatments, etc.) must be inventoried at the BLM Class III level or have sufficient Class III level inventory coverage as determined by the FO Archaeologist in accordance with procedures in the Protocol Agreement.

CR-9. The BLM project leader will be apprised of all cultural resource locations within the APE before project implementation to help ensure protection.

CR-10. Cultural resources that require protection and will be subject to project design features recommended by the FO Archaeologist and will be discussed with the BLM project leader.

CR-12. At the request of the FO Archaeologist, cultural resources within the APE will be monitored by a BLM-approved archaeologist during project implementation. Post-project inspection may be necessary, as well.

CR-16. At the discretion of the FO Archaeologist, hand work (involving hand tools and methods) may occur within the boundaries of cultural resource sites and districts. Removal of vegetation through low impact methods (i.e., use of hand tools) within cultural resources boundaries will be done in a way that prevents the formation of distinct "archaeology islands" remaining within project areas where cultural resources are present.

CR-18. If an undertaking proposed under this programmatic EA results in a finding of adverse effect pursuant to Section 106, the FO will seek concurrence from the State Historic Preservation Officer (SHPO) for this finding pursuant to the Protocol and, if SHPO concurrence is received, continue Section 106 review to resolve adverse effect pursuant to 36 CFR 800.6.

CR-19. In the event of post-review discovery of, or unanticipated effects to, cultural resources during implementation of a project under this Programmatic EA, the following procedures will be undertaken. The FO archaeologist or BLM-approved archaeologist will confirm whether the discovery is archaeological in nature. The FO archaeologist or BLM-approved archaeologist will establish a 100 ft Environmentally Sensitive Area (ESA) around a discovery or area of unanticipated effects. The FO will follow all applicable procedures under the Protocol, BLM policy, as well as federal law and regulations to resolve these situations.

CR-20. Inadvertent discovery of human remains and objects subject, or potentially subject, to NAGPRA as defined in 43 CFR 10.2 (d) will be handled by the BLM under the Archaeological Resources Protection Act (ARPA) regulation at 43 CFR 7 and NAGPRA regulations at 43 CFR 10 as well as related BLM policy.

C. Land Use Plan (LUP) Conformance

LUP Name: Sierra Resource Management Plan Approved: February 2008

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with LUP goals and decisions. The Sierra Resource Management Plan Record of Decision (pages 15-16) gives BLM the goal of establishing a cost-efficient fire management program commensurate with threats to life, property, public safety, and environmental resources. BLM's objectives for meeting these goals are to 1) reduce the risk of wildfire in Wildland Urban Interface (WUI) communities; 2) reduce the risk of catastrophic wildfire through fuels management; 3) use prescribed fire, mechanical, and biological treatments to reduce fuels and promote ecosystem diversity and resilience, control invasive species, reduce fuel hazard, improve wildlife habitat, increase water yield, and enhance watersheds.

The Mother Lode Field Office Fire Management Plan, approved September 2018, gives BLM various fires and fuels treatment objectives and strategies for specific lands under BLM's administration. Specific objectives and strategies for the fire management unit, in which the project area is located, are outlined in the plan. The proposed action is consistent with these objectives and strategies.

D. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the Proposed Action.

- Programmatic Environmental Assessment (pEA): *Statewide Wildland Urban Interface Fuels Treatments* (DOI-BLM-CA-9000-2022-0001-EA, August 2023) available online at: https://eplanning.blm.gov/public_projects/2016583/200502688/20083595/250089777/Final%20Programmatic%20EA%20SWFT_07AUG2023.pdf.

- Mother Lode Field Office Fire Management Plan, September 2018.

E. NEPA Adequacy Criteria

1. *Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?*

   Yes. The Proposed Action of this DNA is consistent with the Proposed Action alternative identified and analyzed under the pEA referenced above. Project Design Features that apply to the proposed action in this DNA are analyzed in the referenced pEA. The geographic and resource conditions for the current project are the same as those analyzed in the pEA. The pEA included the project area within its footprint. There are no differences between the new proposed action and the Proposed Action alternative analyzed in the pEA.

2. *Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?*

   Yes. The pEA analyzed an appropriate range of alternatives given the purpose and need for the project. No new environmental concerns, interests, resource values, or circumstances have been revealed since the pEA was published in February 2019 that would indicate a need for additional alternatives.

3. *Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new Proposed Action?*

   Yes. There is no new information or new circumstances with respect to federally listed species, BLM sensitive species, or to cultural resources that would substantially change the

analysis of the Proposed Action. The referenced pEA adequately addresses the issues of concern and there is not new information nor new circumstances that would alter the outcome of the analysis.

4. *Are the direct, indirect, and cumulative effects that would result from implementation of the new Proposed Action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?*

   Yes. The pEA describes impacts to forest structure and fuel loading, vegetation and native plants, invasive plants and weeds, soils, fish and wildlife, federally listed species, cultural resources, paleontological resources, recreation, and lands with wilderness characteristics. Project Design Features eliminate or reduce to less than significant potential impacts to air quality, climate change, greenhouse gas emissions, and water resources.

5. *Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current Proposed Action?*

   Yes. The project area for the DNA was included in the project area analyzed under the pEA. Public scoping occurred prior to and during the development of the pEA. The BLM issued a press release on November 30, 2021, seeking public input for the pEA. This news release described the scoping period, lasting from November 30 to December 29, 2021, outlined the purpose of the Project and how the public and other stakeholders can engage in the process and provided a project website and email address to facilitate providing comments. The BLM provided a project website, utilizing its ePlanning site, provided detailed information on the project as well as a BLM email address as a way for the public to request additional information. The BLM also provided numerous federal, state, and local agencies; elected officials, Native American tribes, media outlets, and the BLM's Advisory Councils with special messaging regarding this scoping process, and the news release was also shared on BLM-CA Facebook and Twitter sites.

   The BLM received 200 responses to the scoping process, with 13 from federal, state, and local agencies; 19 from organizations and businesses; 6 from Native American tribes; and 162 responses from individuals. The BLM California State Office published the Preliminary pEA and unsigned FONSI for a 30-day public review on December 19, 2022, ending on January 20, 2023. The public was encouraged to submit written comments on the issues, potential impacts, alternatives, and project design features presented in the preliminary EA and the FONSI by using the project ePlanning website.

   The BLM received submissions from the following 4 agencies, 6 organizations, and 31 individuals during the 30-day public comment period. A discussion of comment disposition can be found in the Decision Record for the *Statewide Wildland Urban Interface Fuels Treatments* Programmatic Environmental Assessment (DOI-BLM-CA-9000-2022-0001-EA) available online at: https://eplanning.blm.gov/public_projects/2016583/200502688/20083595/250089777/Final%20Programmatic%20EA%20SWFT_07AUG2023.pdf.

F. Public Involvement

This DNA was posted on the BLM ePlanning System website for a 7-day public review and comment period in December 2023. (https://eplanning.blm.gov/eplanning-ui/home)

BLM initiated Native American consultation via certified letter on November 10, 2023. Letters were sent to Calaveras Band of Mi-Wuk Indians, California Valley Miwok Tribe, Chicken Ranch Rancheria of Me-Wuk Indians, Ione Band of Miwok Indians, Nashville Enterprise Miwok-Maidu-Nishinam Tribe, North Valley Yokuts Tribe, Tule River Indian Tribe, Washoe Tribe of Nevada and California, and Wuksache Indian Tribe/Eshom Valley Band.

G. BLM Staff Consulted

Ann-Sheree Brown, Archaeologist

Jeff Jones, Wildlife Biologist

Beth Brenneman, Botanist/NEPA Coordinator

Burns Brimhall, Fire Management Specialist

Jeff Horn, Lead Recreation Planner, Field Manager

Roger Brown, Forester

Note: Refer to the EA for a complete list of the team members participating in the preparation of the original environmental analysis.

Reviewers:

/s/ Jeffrey Horn *2023.10.25*

Outdoor Recreation Planner/VRM

/s/ Beth Brenneman *2023.11.30*

Botanist/NEPA Coordinator

/s/ Jeffrey Jones *2023.12.04*

Wildlife Biologist

/s/ Burns Brimhall *2023.12.04*

Fire/Fuels

/s/ Roger Brown *2023.12.04*

Forester

/s/ Ann-Sheree Brown *2023.11.06*

Archaeologist

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the Proposed Action and constitutes BLM's compliance with the requirements of the NEPA.

_____

Signature of Project Lead Date

_____

Signature of NEPA Coordinator Date

_____

Signature of the Responsible Official Date

Note: *The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.*

Contact Person

For additional information concerning this review, contact: Beth Brenneman, NEPA Coordinator, BLM Mother Lode Field Office, 5152 Hillsdale Circle, El Dorado Hills, CA 95762, 916.941.3138.